

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

JAMES ADAMS, AIS 108239, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )  
                                  ) 2:06-CV-988-ID-DRB  
ASSISTANT WARDEN CARTER    )  
DAVENPORT, ET AL.,            )  
DEFENDANTS.                  )  
                                  )  
Defendants.                  )

**SPECIAL REPORT**

COME NOW the Defendants, ASSISTANT WARDEN CARTER DAVENPORT, LATRICE GREEN and TYRONE BARROW, by and through undersigned counsel, and in accordance with this Honorable Court's November 2, 2006 Order, offer the following written report.

**PARTIES**

1. The Plaintiff, James Adams, is an inmate of the Alabama Prison System.
2. Defendant Carter F. Davenport is employed by the Alabama Department of Corrections as a Correctional Warden II, and is assigned to the Easterling Correctional Facility.
3. Defendant Latrice Green is employed by the Alabama Department of Corrections as a Classification Specialist Supervisor, and is assigned to the Easterling Correctional Facility.

4. Defendant Tyrone Barrow is employed by the Alabama Department of Corrections as a Classification Specialist, and is assigned to the Easterling Correctional Facility.

**EXHIBIT**

EXHIBIT 1 – Affidavit of Carter F. Davenport

EXHIBIT 2 – Affidavit of Latrice Green

EXHIBIT 3 – Affidavit of Tyrone Barrow

**PLAINTIFF'S CLAIMS**

Plaintiff's sole claim is that the Defendants “. . . violated [his] 8<sup>th</sup> and 14<sup>th</sup> Amendment right by placing and leaving false information in his file.” Specifically, Plaintiff states that “on or around January 24, 2006, defendant [sic] caused a false charge to be placed in his file on escape from prison in Florida.” Plaintiff alleges that he has proven the information to be false but that the Defendants refuse to remove it. Plaintiff demands \$50,000 in damages from each Defendant and requests an order directing the Defendants to remove the false information from his file.

**DEFENDANTS' RESPONSE**

1. The Defendants deny that they violated the Plaintiff's constitutional rights.
2. The Defendants deny each and every material allegation not specifically admitted herein and demand strict proof thereof.
3. The Plaintiff has failed to state a claim upon which relief may be granted.

4. The Defendants are immune from suit under the Eleventh Amendment to the United States Constitution.
5. The Defendants are immune from suit due to qualified immunity.

### **STATEMENT OF FACTS**

On January 24, 2006, Mr. Barrow requested information on Plaintiff from the Live Oak Police Department in Florida. See, Exhibit 3, attachment 1. On February 23, 2006, Plaintiff had his Annual Progress Review. See, Exhibit 3, attachment 2. Plaintiff was told that his Criminal Arrest Record indicated that he was arrested in Florida in 1982. See, Exhibit 2, attachment 2. Plaintiff was informed that his criminal record would indicate arrests regardless of whether he was determined to be guilty of the offenses he arrested for and that Mr. Barrow would continue to request the dispositions of the different arrests with the different agencies wherever he was arrested. See, Exhibit 3, attachment 3. On May 26, 2006, Mr. Barrow received a letter from Diane M. Matousex, Clerk of the Circuit Court of Volusia County, Florida, stating that for the year of 1982 (the year of the alleged false charge of escape) no cases were disclosed against Plaintiff. See, Exhibit 1, attachment 2; Exhibit 2, attachment 3; Exhibit 3, attachment 4. This letter was added to Plaintiff's file. None of the Defendants have placed any false information in Plaintiff's institutional file or violated Plaintiff's rights in any manner. See, Exhibits 1, 2, and 3.

### **ARGUMENT**

The law regarding a prisoner's claims for having false information in his institutional file is settled and unanimous with the Judges of this court. The Middle

District of Alabama has been consistent in holding that while *Monroe v. Thigpen*, 932 F.2d 1437 (11<sup>th</sup> Cir. 1991), can serve as the basis for a constitutional claim for the ***knowing*** use of false information by prison officials, the case of *Slocum v. Georgia State Bd. of Pardons and Paroles*, 678 F.2d 940 (11<sup>th</sup> Cir. 1982), controls where there is nothing more than the assertion that false information is contained in the prison file. As this Court is well aware, the *Slocum* Court held that prisoners do not state a due process claim by merely asserting that false information exists in their prison files. The 11<sup>th</sup> Circuit has also held that, “prisoners cannot make a conclusory allegation regarding the use of [false] information as the basis of a due process claim.” *Jones v. Ray*, 279 F.3d 944 (11<sup>th</sup> Cir. 2001). Plaintiff merely asserts that false information regarding an arrest for escape in Florida in 1982 is in his prison file. As such, the claim fails to state a constitutional violation. See *Brooks v. Culliver*, 2006 WL 3450138 (M.D.Ala. November 29, 2006); *Horsman v. Williams*, 2006 WL 3350473 (M.D. Ala. November 16, 2006); *Chamblee v. Williams*, 2006 WL 2798670 (M.D. Ala. September 28, 2006); *Latham v. Williams*, 2006 WL 2590516 (M.D. Ala. September 08, 2006); *Harris v. Whitehead*, 2006 WL 2135714 (M.D. Ala. August 01, 2006); *Gaines v. Mosley* 2006 WL 2136043 (M.D. Ala. July 28, 2006); *Taylor v. Naphcare, Inc.*, 2006 WL 2038428 (M.D. Ala. July 19, 2006); *McCree v. Turner* 2006 WL 1391076 (M.D. Ala. May 16, 2006); *Flynn v. Scott*, 2006 WL 1236718 (M.D. Ala. May 08, 2006); *Black v. McDonnell*, 2006 WL 1180795 (M.D. Ala. May 02, 2006); *Johnson v. Gavins* 2006 WL 827114 (M.D. Ala. March 29, 2006); *Black v. Glover*, 2006 WL 354794 (M.D. Ala. February 15, 2006).

This case should also be dismissed because the Defendants are immune from suit. The Eleventh Amendment to the United States Constitution provides that “[t]he judicial

power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.” The Amendment therefore not only bars suits against a state by citizens of another state, but also bars suits against a state by that state’s own citizenry. *See Edelman v. Jordan*, 415 U.S. 651, 663, 94 S. Ct. 1347, 1355 (1974) and *Hans v. Louisiana*, 134 U.S. 1, 13-15, 10 S. Ct. 504, 33 L.Ed. 842 (1890). The Eleventh Amendment also prohibits suit against state officials and employees where the state is the real, substantial party in interest. *See Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 101-02, 104 S. Ct. 900, 908-09, 79 L.Ed.2d 67 (1984). “For example, if a lawsuit seeks to order the state officer to pay funds directly from the state treasury for the wrongful acts of the state, then the state is the real party in interest and the Eleventh Amendment bars the suit.” *Summit Medical Associates, P.C. v. Pryor*, 180 F.3d 1326, 1336 (11<sup>th</sup> Cir. 1999). This suit is in reality a suit against the State; thus, the Defendants should be dismissed based on immunity.

In addition, the Defendants are protected by qualified immunity. As stated by the Eleventh Circuit, “[q]ualified immunity protects government officials from civil trials and liability when their conduct in performing discretionary functions ‘violates no clearly established statutory or constitutional rights of which a reasonable person would have known.’” *Wilson v. Blankenship*, 163 F.3d 1284, 1288 (11<sup>th</sup> Cir. 1998) (quoting *Lassiter v. Alabama A & M Univ. Bd. of Trustees*, 28 F.3d 1146, 1149 (11<sup>th</sup> Cir. 1994) (en banc)). *Wilson, supra* (holding that the marshal, wardens, and corrections officer were protected by qualified immunity); *see also Pinkney v. Davis*, 952 F. Supp. 1561 (M.D. Ala. 1997) (holding that wardens, deputy warden, and other prison officials were entitled to qualified

immunity). The Eleventh Circuit has held that “[p]rison officials have ‘wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.’” *Wilson*, 163 F.3d at 1295, quoting *Bell v. Wolfish*, 441 U.S. 520, 547, 99 S.Ct. 1861, 1878 (1979). The Defendants have not violated Plaintiff’s clearly established rights; thus, they are entitled to qualified immunity.

### **CONCLUSION**

There are no genuine issues of material fact, and the Defendants are entitled to judgment as a matter of law. WHEREFORE, the Defendants respectfully request that this Honorable Court dismiss the claims against them.

Respectfully submitted,

TROY KING  
Attorney General

/s/ Benjamin H. Albritton  
Benjamin H. Albritton ASB-0993-R67B  
Assistant Attorney General

### ADDRESS OF COUNSEL:

Office of the Attorney General  
11 South Union Street  
Montgomery, AL 36130  
(334) 242-7300

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this the 12<sup>th</sup> day of December, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

James Adams, AIS 108239  
Decatur Community Based Work Release  
1401 Highway 20 West  
Decatur, AL 35601

/s/ Benjamin H. Albritton  
Benjamin H. Albritton  
Assistant Attorney General

IN THE CIRCUIT COURT  
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS, #108239 )  
Plaintiff )  
 )  
VS. ) CIVIL ACTION #06-988-ID  
ASST. WARDEN CARTER DAVENPORT )  
et.al., )  
 )  
Defendants. )

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Carter F. Davenport, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Carter F. Davenport and I am presently employed as a Correctional Warden II, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

According to inmate James Adams' Classification Specialist, Mr. Tyrone Barrow and his institutional file, inmate Adams' Criminal Arrest Record showed that he was arrested in Florida (Exb.#1).

On 5/26/06, Mr. Barrow received a letter from Diane M. Matousek, Clerk of the Circuit Court of Volusia County Florida (Exb.#2), stating that no cases were disclosed against inmate Adams for the year of 1982.

I have not placed or allowed any false information to be placed in inmate Adams' institutional file.

EXHIBIT

tabbies'



Affidavit - Carter F. Davenport

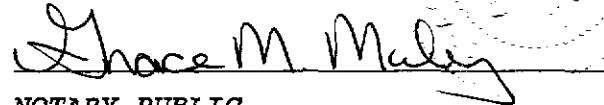
Civil Action No. 06-988-ID

Page 2

  
Carter F. Davenport

SWORN TO AND SUBSCRIBED TO before me this the 16<sup>th</sup> day of

November, 2006.

  
Shae M. Mullen

NOTARY PUBLIC

My Commission Expires: 03/31/07.

RC

## EXHIBIT #1

## ALABAMA BOARD OF PAROONS AND PAROLES

## REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence Date dictated 01/15/88

Name Adams, James True Name Same

Middle Adams, James J.; Adams, James, J., Jr.; Man

PSA BM-31 DOB 09-10-56; 09-10-57; Height and Weight 5'9" - 185 lbs.  
10-10-56

Complexion Dark Color or Hair Blk Color of Eyes Brown

Body Marks Scar left elbow; scar right elbow; scar left upper arm

Driver's License # None SS# 417-06-3535; 424-78-2316;  
254-82-9838

AN# 108739A FBI# 40 302 M9 SID# AL 00398800

Address 3767 Whiting Ave. Phone # 265-1063

Montgomery, AL 36105

RECEIVED

County Montgomery Case # 82-274; 87-1685 JAN 28 1988

Offense(s) TOP II; Bail Jumping II

Sentence(s) 15 Yrs. Pen /1 Yr. CJ CC W/82-274

Date of Sentence 1-22-88 Date Sentence began 1-22-88

Date of Arrest 01-21-82; 10-30-87 Date of Bond 01-28-82; none Bond Amnt: 5,000; none

Judge Charles Price D.A. James H. Evans

Attorney Tom Payne Retained  Appointed X

Court Ordered Restitution To be determined later.

Barred from Parole (Ala. Code 15-22-27.1) Yes No X

## NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

James Adams was indicted by the June, 1982, Montgomery County Grand Jury for Bail Jumping II, CC #87-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.  
Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5105 Timber Line Road, Montgomery, AL, and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCP.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilty to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

Victim Notification Information:

N/A.

Victim Impact:

N/A.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

None.

RECORD OF ARRESTPrior Arrest Record:

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	5D jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. voided & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. voided & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B & GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. 05-08-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given

Subsequent Arrest Record:

08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/720 jail credit. 2. No disp. given
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PERSONAL/SOCIAL HISTORYSubject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — Not his

Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

Children - per his  
Statement - they were his  
girlfriend's Children - DC - 8/11/82

James Adams went to Bryces for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Boyles and the test revealed that Adams was somewhat retarded. Dr. Boyles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he used to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.

Kerry

Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, age: 07-04-68, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

EVALUATION OF OFFENDER

Psychosocial Reports:

None.

Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

PROBATION PLAN

Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

Job:

If granted probation, subject states he would look for employment.

Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

  
Carolyn P. Flack  
Alabama Probation & Parole Officer

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006  
 (COU122)  
 AIS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956  
 NAME: ADAMS, JAMES CUSTODY: MEDS SECURITY LEVEL: 4  
 INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02 Y08M14 LAST DISC: 07 22 2004  
 CRME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign PRIM OCCUP:LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Station for Family TIES RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term for

CPFI II x 2, TOPI, TOP II ( subj. stole and cashed victims checks) & CPFI II (source doc. req.

most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include

1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/Unarmed

Robbery (FL), 06/26/1982/Escape (FL-final disp. req. most recently on 01/24/06),

1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD-final disp. req.

most recently on 01/24/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, has

AA/NA attendance. Recommend no changes in custody due to lack of source documentation,

overall criminal record & nature of subj. crimes. Recommend a lateral to Station for Family TIES.

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: NKE, COETS(DK)2-23-06 APP. S/L:

Myles, Bayon 02-23-06

CLASSIFICATION SPECIALIST DATE

Brown, D. 02-23-06

PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

Carter, D. 23 FEB 06

WARDEN OR DESIGNEE DATE

Dolce, D. 02-23-06

CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED DENIED; DIVERTED TO:

REASONS:

APPROVED DENIED; DIVERTED TO:

CRE MEMBER

DATE

APPROVED DENIED; DIVERTED TO:

REASONS:

CRE MEMBER

DATE

APPROVED DENIED; DIVERTED TO:

REASONS:

CRE MEMBER

DATE

FINAL DECISION: INST Station CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED:

INMATE'S SIGNATURE: X-J COVIES A DAVID 1082-351

LAST ACTION: 2/10/06 PR REL Church of Christ DNA 7/1/08

SKILLS: poultry worker

Psychmeds: NO

KCF

Diabetic: NO

EXHIBIT #2

**DIANE M. MATOUSEK**  
CLERK OF THE CIRCUIT COURT  
SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:  
Felony Division  
P.O. Box 6043  
DeLand, FL 32721-6043

May 26, 2006

JUN 07 2006

**RE: Record Search**

Name: James Adams  
D.O.B.: 09/10/56

To Whom It May Concern:

Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

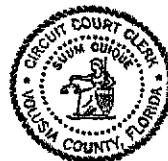
If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK  
Clerk of the Circuit Court

By:

Teresa R. Daugherty  
Deputy Clerk



C: General Correspondence  
CL-0579-0503

IN THE CIRCUIT COURT  
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS, #108239 )  
Plaintiff )  
VS. ) CIVIL ACTION #06-988-ID  
ASST. WARDEN CARTER DAVENPORT, )  
et.al., )  
Defendants. )

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Latrice Greene, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Latrice Greene and I am presently employed as a Classification Specialist Supervisor, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

On 2/23/06, inmate James Adams had his Annual Progress Review by his Classification Specialist, Mr. Tyrone Barrow (Exb.#1). He was told that his Criminal Arrest Record showed that he was arrested in Florida (Exb.#2).

On 5/26/06, Mr. Barrow received a letter from Diane M. Matousek, Clerk of the Circuit Court of Volusia County, Florida (Exb.#3), stating that for the year of 1982, no cases were disclosed against inmate Adams.



Affidavit - Latrice Greene  
Civil Action No. 06-988-ID  
Page 2

I have not placed any false information in inmate Adams' institutional file. I have not violated inmate Adams' 8<sup>th</sup> and 14<sup>th</sup> Amendment rights.

  
\_\_\_\_\_  
Latrice Greene

SWORN TO AND SUBSCRIBED TO before me this the 16<sup>th</sup> day of  
November 2006.

  
\_\_\_\_\_  
Charlotte Wilson

NOTARY PUBLIC

My Commission Expires: My Commission Expires Jan. 24, 2009

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006  
 (COU122)  
 AIS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956  
 NAME: ADAMS, JAMES CUSTODY: MED5 SECURITY LEVEL: 4  
 INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02Y08M14 LAST DISC: 07 22 2004  
 CRIME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign

PRIM OCCUP: LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Station for Family Ties RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term for CPFI II x 2, TOPI, TOP II ( subj. stole and cashed victims checks) & CPFI II (source doc. req.

most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include

1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/Unarmed

Robbery (FL), 06/26/1982/Escape (FL-final disp. req. most recently on 01/24/06),

1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD—final disp. req.

most recently on 0124/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, has

AA/NA attendance. Recommend no changes in custody due to lack of source documentation,

overall criminal record & nature of subj. crimes. Hercommend a lateral to Station for Family Ties.

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: NKE, CDETS/OK 2-23-06 1463 APP. S/L:

JAMES BROWN 02-23-06

CLASSIFICATION SPECIALIST DATE

Brian Mitchell 2-23-06

PSYCHOLOGIST/PSYCHOLOGIST'S ASSOC. DATE

Carter Dugay 2-23-06

WARDEN OR DESIGNEE DATE

Dalece Cheeze 2-23-06

CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED DENIED; DIVERTED TO:

REASONS:

Lateral move.

DATE

APPROVED DENIED; DIVERTED TO:

REASONS:

DATE

APPROVED DENIED; DIVERTED TO:

REASONS:

DATE

FINAL DECISION: INST Station CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED: INMATE'S SIGNATURE: X-SCOMOSA-DANIC 1082-39

LAST ACTION: 2/05 PR REL Church of Christ DNA 3/1/06 SKILLS: Fulltime Worker

Psych meds: NO

KCF

Diabetic: NO

RCC

## EXHIBIT #2

## ALABAMA BOARD OF PAROONS AND PAROLES

## REPORT OF INVESTIGATION

Type of Investigation Pre-Sentence Date dictated 01/15/88

Name Adams, James True Name Same

Marc Adams, James J.; Adams, James, Jr.; Man

PSA SM-31 DOB 09-10-56; 09-10-57; Height and Weight 5'9" - 185 lbs.  
10-10-56

Complexion Dark Color or Hair Blk Color of Eyes Brown

Body Marks Scar left elbow; scar right elbow; scar left upper arm

Driver's License # None SS# 417-06-3535; 424-78-2316;  
254-82-9838

ASN 108739A FBI# 40 302 M9 SID# AL 00398800

Address 3767 Whiting Ave. Phone # 265-1063

Montgomery, AL 36105

RECEIVED

County Montgomery Case # 82-274; 87-1685 JAN 28 1988

Offense(s) TOP II; Bail Jumping II

Sentence(s) 15 Yrs. Pen /1 Yr. CJ CC W/82-274

Date of Sentence 1-22-88 Date Sentence began 1-22-88

Date of Arrest 01-21-82; 10-30-87 Date of Bond 01-28-82; none Bond Am't \$ 5,000; none

Judge Charles Price D.A. James H. Evans

Attorney Tom Payne Retained \_\_\_\_\_ Appointed X

Court Ordered Restitution To be determined later.

Barred from Parole (Ala. Code 15-22-27.1) Yes                  No X

## NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

James Adams was indicted by the June, 1982, Montgomery County Grand Jury for Bait Jumping II, CC #87-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.  
Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5105 Timber Line Road, Montgomery, AL, and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCF.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilty to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

**Victim Notification Information:**

N/A.

**Victim Impact:**

N/A.

**Location of Offense:**

Within the city limits of Montgomery, AL.

**Court Ordered Restitution:**

None.

**RECORD OF ARREST****Prior Arrest Record:**

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	SD jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. voided & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. voided & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B & GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. 05-06-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given

Subsequent Arrest Record:

08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/720 jail credit. 2. No disp. given
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PERSONAL/SOCIAL HISTORYSubject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — Not his

Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

Children - per his  
Statement - they were his  
girlfriend's Children - DC - 8/11/82

James Adams went to Bryce's for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Bayles and the test revealed that Adams was somewhat retarded. Dr. Bayles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he used to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.

Kerry

Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, DOB: 07-04-68, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

#### EVALUATION OF OFFENDER

##### Psychosocial Reports:

None.

##### Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

##### Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

#### PROBATION PLAN

##### Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

##### Job:

If granted probation, subject states he would look for employment.

##### Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

*Carolyn P. Flack*  
Carolyn P. Flack  
Alabama Probation & Parole Officer

EXHIBIT #3

**DIANE M. MATOUSEK**  
CLERK OF THE CIRCUIT COURT  
SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:  
Felony Division  
P.O. Box 6043  
DeLand, FL 32721-6043

May 26, 2006

JUN 07 2005

**RE: Record Search**

Name: James Adams  
D.O.B.: 09/10/56

To Whom It May Concern:

Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK  
Clerk of the Circuit Court

By:   
Teresa R. Daugherty  
Deputy Clerk

C: General Correspondence  
CL-0579-0503

IN THE CIRCUIT COURT  
MONTGOMERY COUNTY, ALABAMA

JAMES ADAMS, #108239 )  
Plaintiff )  
VS. ) CIVIL ACTION #06-988-ID  
ASST. WARDEN CARTER DAVENPORT, )  
et.al., )  
Defendants. )

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Tyrone Barrow, who being known to me and being by me first duly sworn, deposes and says under oath as follows:

My name is Tyrone Barrow and I am presently employed as a Classification Specialist, employed by the Department of Corrections, Easterling Correctional Facility, 200 Wallace Dr., Clio, AL 36017. I am over twenty-one (21) years of age.

On 1/24/06, I requested for information on inmate Adams from the Live Oak Police Department in Florida (Exb.#1).

On 2/23/06, inmate James Adams had his Annual Progress Review (Exb. #2). He was told that whether he was found guilty or not of the prior cases, his criminal arrest record showed that he was arrested (Exb.#3), therefore, I would continue to request the dispositions of the different arrests from different agencies wherever he was arrested.

On 5/26/06, I received a letter from Diane M. Matousek, Clerk of the Circuit Court of Volusia County, Florida (Exb. #4), stating that for the years of 1982 to 1982, no cases were disclosed against inmate Adams.

EXHIBIT

3

tables

Affidavit - Tyrone Barrow  
Civil Action No. 06-988  
Page 2

I have not placed any false information in inmate Adams' institutional file. I have not violated inmate Adams' 8<sup>th</sup> and 14<sup>th</sup> Amendment rights.

Tyrone Barrow

Tyrone Barrow

SWORN TO AND SUBSCRIBED TO before me this the 16<sup>th</sup> day of  
November, 2006.

Charlotte Wilson

NOTARY PUBLIC

My Commission Expires: My Commission Expires Jan. 24, 2009

**EXHIBIT #1**



STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS



Bob Riley  
Governor

EASTERLING CORRECTIONAL FACILITY  
200 WALLACE DRIVE  
Clio, Alabama 36017-2615  
334-397-4471

Donal Campbell  
Commissioner

January 24, 2006

**TO:** Chief  
Live Oak Police Department  
212 N. Ohio Avenue  
Live Oak, Florida 32060

**FROM:** Tyrone S. Barrow  
Classification Specialist

A handwritten signature in black ink that reads "Tyrone S. Barrow".

**RE:** James Adams  
Black Male  
Date of Birth 09/10/1956  
AIS # 108239

Please allow this letter to serve as a request for information on James Adams. Please forward any information regarding arrests, convictions or pending detainers with your office on James Adams. James Adams is currently incarcerated in our facility, and our office is attempting to obtain information about his prior criminal history, in an effort to make recommendations about his custody. Please fax any information to 334-397-4471. If there is no available information, please send a fax stating there is no information on James Adams. Thanking you in advance for your assistance.

ALABAMA DEPARTMENT OF CORRECTIONS - PROGRESS REVIEW FORM - FEBRUARY 23, 2006  
 (COU122)  
 AIS #: 00108239B SSN: 424-78-0223 RACE/SEX: B/M DATE OF BIRTH: 09/10/1956  
 NAME: ADAMS, JAMES CUSTODY: MEDS SECURITY LEVEL: 4  
 INST: EASTERLING CORRECTIONAL CENT TIME SRVD: 02Y08M14 LAST DISC: 07 22 2004  
 CRIME: CRIM POSS FORGED INSTR II MIN REL DT: 06/10/2008 ACTIVE DET: 0

DISC: VIOLATION OF INSTIT. RULES OR PRL CONS: 00/00/0000 EDUCAT LEV: 11

WL/PGM: Inst. Assign PRIM OCCUP: LABORER - RANCH, FARM HAND - L

RECOMMENDED INSTITUTION: Staton for Family Ties RECOMMENDED CUSTODY: MEDIUM

JUSTIFICATION: ANNUAL REVIEW: Repeat, multi-state offender serving a 5 year term for CPFI II x 2, TOPI, TOP II ( subj. stole and cashed victims checks) & CPFI II (source doc. req.

most recently on 02/16/06). No sex convictions noted. Extensive criminal record to include

1973/GL, 1976/A&B on Officer (Disp. Unknown), 1977/Burglary & GL x 2, 1978/Unarmed

Robbery (FL), 06/26/1982/Escape (FL-final disp. req. most recently on 01/24/06),

1990/Cocaine Poss (Atlanta), 1991/Dist. Cocaine, Robbery (Gun)-Atlanta PD—final disp. req.

most recently on 0124/06. Substance Abuser w/01/04 8-Week Sap completion @ Elmore, has

AA/NA attendance. Recommend no changes in custody due to lack of source documentation,

overall criminal record & nature of subj. crimes. Recommend a lateral to Staton for Family Ties.

I CERTIFY ENEMY LIST WAS REVIEWED AND UPDATED: AKR, CDETS/OK 2-23-06 <sup>23FB86</sup>  
APF. S/L:

Johns, Bayon 02-23-06 Carter, Danyal 23FB86  
 CLASSIFICATION SPECIALIST DATE WARDEN OR DESIGNEE DATE  
Summitt, Danyal 2-23-06 Dalee, Cheene 2-23-06  
Psychologist/Psychologist's Assoc. DATE CLASSIFICATION COORDINATOR DATE

CENTRAL REVIEW BOARD ACTION

APPROVED DENIED; DIVERTED TO: \_\_\_\_\_

REASONS: \_\_\_\_\_

Ratinal Mose.

CRB MEMBER \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED DENIED; DIVERTED TO: \_\_\_\_\_

REASONS: \_\_\_\_\_

CRB MEMBER \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED DENIED; DIVERTED TO: \_\_\_\_\_

REASONS: \_\_\_\_\_

FINAL DECISION: INST Staton CUSTODY Med DATE 3/1/06

DATE INMATE INFORMED: 1/10/06 INMATE'S SIGNATURE: X-JSC-108239

LAST ACTION: 2/10/SPR REL Church of Christ DNA 3/1/06 SKILLS: Utility Worker

Psychmeds: NO

KCF

Diabetic: NO

RC

## EXHIBIT #3

## ALABAMA BOARD OF PAROLES AND PAROLES

## REPORT OF INVESTIGATION

Type of Investigation	Pre-Sentence	Date dictated	01/15/88
Name	Adams, James	True Name	Same
Alias	Adams, James J.; Adams, James, Jr.; Man		
SSA	BM-31	DOB	09-10-56; 09-10-57; Height and Weight 5'9" - 185 lbs. 10-10-56
Couplage	Dark	Color of Hair	Blk
Bodily Marks	Scar left elbow; scar right elbow; scar left upper arm	Color of Eyes	Brown
Driver's License #	None	SS.	417-06-3535; 424-78-2316; 254-82-9838
ADS#	108739A	FBI#	40 302 M9
Address	3767 Whiting Ave.	Phone #	265-1063
	Montgomery, AL 36105		

RECEIVED

JAN 28 1988

County	Montgomery	Case #	82-274; 87-1685
Offense(s)	TOP II; Bail Jumping II		
Sentence(s)	15 Yrs. Pen / 1 Yr. CJ CC W/82-274		
Date of Sentence	1-22-88	Date Sentence began	1-22-88
Date of Arrest	01-21-82; 10-30-87	Date of Bond	01-28-82; none
Judge	Charles Price	D.A.	James H. Evans
Attorney	Tom Payne	Retained	<input checked="" type="checkbox"/>
Court Ordered Restitution	To be determined later.	Appointed	<input checked="" type="checkbox"/>
Banned from Parole (Ala. Code 15-22-27.1) Yes	No		X

## NOTES:

On April 6, 1982, James Adams pled guilty in CC #82-274 - TOP II and was to be sentenced on April 26, 1982. Subject failed to appear for sentencing and on May 13, 1982, was F & C. Then on May 19, 1982, forfeiture papers were issued; July 1, 1982, forfeiture made final for \$4,500; July 21, 1982, forfeiture was set aside; July 9, 1985, the case was withdrawn and filed; and on October 30, 1987, the capias was executed.

James Adams was indicted by the Jury, 1982, Montgomery County Grand Jury for Bait Snapping II, CC #87-1685, was arrested on the charge October 30, 1987, and pled guilty December 7, 1987.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #82-274.

Offense:

Theft of Property II.

Sentence:

15 Yrs. Pen. Credit for time that state placed hold on him in 1982.  
Pay \$50 VCF, court costs, attorney fees.

Date of Sentence:

January 22, 1988

Details of Offense:

Reports reflect that on January 21, 1982, at approximately 11 a.m., a residence at 502 Holcombe Street, Montgomery, belonging to Bruce Register, was broken into by forcing the back door open. Taken in the burglary were fireplace mantels, valued at \$1,200. While the theft was in progress, Montgomery Police Officer Hugo Denham came on the scene and found a 1972 pickup truck pulled up to the back door with the three fireplace mantels in the truck. The people involved in the theft were identified as James Adams, Glenda Worthington, and Stephen Worthington. At that time, all subjects were placed under arrest.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject states he was working for the Worthingtons and didn't know the property was stolen.

Case Status of Co-Defendants:

Glenda Worthington, CC #82-335 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Stephen Worthington, CC #82-272 - TOP I, was found not guilty in a jury trial on April 7, 1982.

Victim Notification Information:

N/A.

Victim Impact:

The victim impact report has been sent to Bruce Register, 5705 Timber Line Road, Montgomery, AL and as of this date, it has not been returned. Let it be noted there is nothing in the district attorney's file showing the victim's feelings towards the offense nor where the victim was asking for restitution.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

To be decided later.

PRESENT OFFENSE

County, Court, & Case Number:

Montgomery Co., CC #87-1685.

Offense:

Bail Jumping II.

Sentence:

One year county jail concurrent W/82-274. Pay court costs, attorney fees and \$15 VCF.

Date of Sentence:

January 22, 1988.

Details of Offense:

Reports reflect that James Adams was to appear in Montgomery County Circuit Court before Judge Hooper on April 25, 1982, at 9:00 A.M. for sentencing concerning his plea of guilty to Theft of Property II on April 6, 1982. The report further states that James Adams failed to appear.

Serious Physical Injury Barring Parole:

None.

Subject's Statement:

Subject admits not appearing in court and stated he was afraid he was going to go to prison for 25 years.

Case Status of Co-Defendants:

None listed.

Victim Notification Information:

N/A.

Victim Impact:

N/A.

Location of Offense:

Within the city limits of Montgomery, AL.

Court Ordered Restitution:

None.

RECORD OF ARRESTPrior Arrest Record:

06-27-73	SO Montg., AL CC #8734	YOA (GL)	On 08-23-73 2Y pen. Par. 04-29-74 Rev. 11-13-74
10-07-74	PD Montg., AL CC #11,606	Grand Larceny	02-20-75 denied YOA & 02-26-75 sent. 1Y in pen.
06-10-76	PD Montg., AL	Fighting	SD jail
10-19-76	PD Montg., AL	1. Burglary 2. Resisting Ofcr.	1. NP 2. No disp. given
10-29-76	PD Montg., AL	A & B	No disp. given
11-10-76	PD Montg., AL	1. DC 2. A & B on ofcr. 3. Resisting Ofcr.	No disp. given No disp. given No disp. given
08-15-76	PD Montg., AL	DC	No disp. given
12-01-76	PD Montg., AL	DC	No disp. given
08-10-77	PD Montg., AL CC #77-77-TH	Burg. & GL	On 04-14-78 2Y pen. susp. 2Y prob. On 05-08-78 Dec. delinq. On 07-06-81 delinq. voided & prob. terminated.
08-24-77	PD Montg., AL CC #77-766	GL	On 04-14-78 2Y pen. CC, susp., 2Y prob. On 05-08-78 dec. delinq. On 07-06-81 delinq. voided & prob. terminated.

08-24-77	PD Montg., AL CC #77-767	B & GL	On 04-14-78 2Y pen. CC, Susp., 2Y prob. 05-08-78 dec. delinq. 07-06-81 delinq. voided and prob. terminated.
06-18-78	SO Liveoak, FL Case #78-76	Unarmed Robbery (armed robbery NP)	On 09-11-78 10Y pen. less 860 jail credit. Par. 07-07-81 Par. rev. 1982.
11-04-81	PD Montg., AL	1. Poss. Burg. Tools (DC #81-4693) 2. CCW	1. Dismissed 2. F \$50
01-21-82	PD Montg., AL	Burg. III	NP on 04-06-82
02-14-82	PD Montg., AL	Fail to Reg. as Ex-Fel.	No disp. given
<u>Subsequent Arrest Record:</u>			
08-19-82	PD Winterhaven, FL	1. Burglary 2. Petit Larc.	1. 5Y pen. CS w/72D jail credit. 2. No disp. given

#### PERSONAL/SOCIAL HISTORY

##### Subject:

James Adams, age 31, BM, dob: 09-10-56, was the first of six children born to Willie Mae Adams Dennis. Subject was born in Tuskegee, AL, and while an infant, his mother gave him to his aunt, Daisy Barnes. Daisy Barnes raised James Adams in the Montgomery area and Adams states he feels as if Daisy Barnes was his mother. Subject states he has not seen his mother since he was approximately 18 years old. Adams states when he was 16 years old he moved to New Church, Virginia, with his aunt for 11 months and then returned to Montgomery. He further states he lived in Montgomery until 1978 when he went to Florida. While in Florida, subject was arrested for Robbery, served time in prison and was paroled in 1981. In August, 1981, Adams moved to Montgomery and lived here until he left in April, 1982 and returned to Florida. In August, 1982, James Adams was picked up in Florida for parole violation and was placed in prison. Adams was incarcerated in prison in Florida from 1982 until he was transferred to the Montgomery County Jail October 30, 1987.

##### Marital Status/History:

Subject states he has never been married and denied fathering any children. According to a pre-sentence report done August 16, 1973, it states that subject has a child by the name of Willie Adams, age approximately 15, by Diane Willis. — Not his

##### Health:

Subject suffers epileptic seizures and while in Florida was on medication. In 1978,

James Adams went to Bryces for a mental evaluation and also while incarcerated in prison in Florida, he saw a psychologist on a regular basis. Reports received from Florida seem to confirm that James Adams is moderately retarded. Also a pre-sentence report completed August 6, 1973, states that Adams was tested in August, 1972, by a Dr. Wiley Boyles and the test revealed that Adams was somewhat retarded. Dr. Boyles also concluded that Adams had violent behavioral tendencies along with his low mental capacity.

Subject denies the use of any illegal drugs. He further states he used to drink occasionally but has had no alcoholic beverages since his incarceration in 1982.

Education:

Subject completed the sixth grade at Booker T. Washington School and was in special education. Also, during that time, Adams attended McInnis School. Subject further states that he cannot read nor write.

Financial Status:

Subject states he owns no property, has no debts in his name and no income.

Employment History:

Subject states that from April, 1982, until he was arrested August 19, 1982, he worked at the Minute Maid plant in Auburndale, FL. He further states that also during that time he worked at Bartow Packing House, Bartow, FL, at night.

Adams further states that many years ago he worked for White Roofing Company, Montgomery, AL.

According to records in the Montgomery County Probation Office, in September, 1981, James Adams was working part time for Sunshine Christian Outreach Ministries in Montgomery.

Military Record:

None.

Offender's Family:

Father: Richard Martin, age 51, lives in the Montgomery area.

Mother: Willie Mae Adams Dennis, age 48, lives in Atlanta, GA.

Siblings:

Lena Mae Calhoun, age 28, lives at 313 Vincent Avenue, Montgomery.  
*Kerry*

~~James~~ Adams, age 25, lives with his mother in Atlanta, GA, and works at Morrison's Cafeteria.

Essie Adams, age 23, lives in Atlanta, GA, and works at a nursing home.

Sylvester Adams, age 21, lives on Eugene Street, Montgomery, and does painting.

Jerome Adams, dob: 07-04-65, lives with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, and receives social security disability. On May 13, 1987, Jerome Adams was sentenced to one year and one day suspended, 12 months unsupervised probation under the Youthful Offender Act for Burglary III and Theft of Property II.

#### EVALUATION OF OFFENDER

#### Psychological Reports:

None.

#### Reputation & Community Activities:

Unknown. James Adams has been continuously incarcerated since August, 1982.

#### Parole & Probation Officer's Remarks:

When James Adams pled to the Bail Jumping II charge on December 7, 1987, there was some question as to whether he was incarcerated in Florida in April, 1982, to where he could not get back from his sentencing on the Theft of Property II charge. According to information received by subject's lawyer, Tom Payne, from Florida Parole and Probation Commission, James Adams was first arrested in Florida on June 26, 1982, released July 1, 1982, and arrested August 19, 1982, where he stayed incarcerated until he went into the Florida Prison System November 5, 1982.

#### PROBATION PLAN

##### Home:

If granted probation, subject states he would live with his aunt, Lucille Harris, at 3767 Whiting Avenue, Montgomery, AL.

##### Job:

If granted probation, subject states he would look for employment.

##### Recommendation:

James Adams has previously, in Montgomery County, had the benefit of probation and was not successful on it. He has also been incarcerated in prison in both Alabama and Florida and has had the benefit of parole in both states and was not successful. Based on this, it is this officer's recommendation that probation be denied and that subject be sentenced to 10 years in the penitentiary in CC #82-274 - TOP II, and one year in Montgomery County Jail in CC #87-1685 - Bail Jumping II, concurrent.

Signed and dated at Montgomery, AL, this 19th day of January, 1988.

*Carolyn P. Flack*  
Carolyn P. Flack  
Alabama Probation & Parole Officer

CPF/TCB

EXHIBIT #4

**DIANE M. MATOUSEK**  
CLERK OF THE CIRCUIT COURT  
SEVENTH JUDICIAL CIRCUIT – VOLUSIA COUNTY, FLORIDA

PLEASE REPLY TO:  
Felony Division  
P.O. Box 6043  
DeLand, FL 32721-6043

May 26, 2006

JUN 07 2006

**RE: Record Search**

Name: James Adams  
D.O.B.: 09/10/56

To Whom It May Concern:

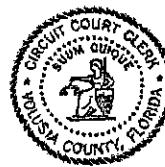
Please be advised that a search of the misdemeanor and felony records of Volusia County, Florida, for the years of 1982 to 1982, discloses no cases against the above mentioned individual.

If our office can be of any further assistance, please do not hesitate to contact us at the above address.

Sincerely,

DIANE M. MATOUSEK  
Clerk of the Circuit Court

By: *Teresa R. Daugherty*  
Teresa R. Daugherty  
Deputy Clerk



C: General Correspondence  
CL-0579-0503